

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD JAMES CHENETTE,

Petitioner,

V.

STEVE SINCLAIR,

Respondent.

No. C13-5719 BHS/KLS

REPORT AND RECOMMENDATION

Noted For: October 4, 2013

On August 20, 2013, Petitioner Ronald James Chenette filed a motion for leave to proceed *in forma pauperis* (IFP). ECF No. 1. On August 21, 2013, the Clerk informed Petitioner that his IFP application was deficient and that he was required to submit his information on a different form, a copy of which was provided to him. ECF No. 2. On September 9, 2012, Petitioner paid the \$5.00 filing fee (Receipt No. TAC011105). Because Mr. Chenette has paid the filing fee, the Court should deny his IFP motion.

DISCUSSION

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Mr. Chenette paid the \$5.00 filing fee on September 9, 2013. Therefore, his IFP motion is moot.

CONCLUSION

Because Mr. Chenette has paid the filing fee, the undersigned recommends that the Court deny his IFP motion (ECF No. 1).

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have fourteen (14) days from service of this Report and Recommendation to file written objections thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the Clerk is directed set this matter for consideration on **October 4, 2013**, as noted in the caption.

DATED this 12th day of September, 2013.

Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge